

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:  MERCY HOSPITAL, IOWA CITY, IOWA, <i>et al.</i> ,  Debtors.	Chapter 11 Bankruptcy Case No. 23-00623  <b>RESPONSE TO MOTION TO COMPEL</b>
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COMES NOW Dan R. Childers, in his sole capacity as Trustee of the Mercy Hospital Liquidation Trust, and with respect to the Motion to Compel filed by Sills Cummis & Gross P.C. (Dkt #1293), respectfully responds as follows:

1. The Trustee posits the applicable provisions of the Liquidation Trust Agreement provides Trustee with three and only three options, when faced with a fee invoice. Specifically, the Trustee may:
  - a. Pay the invoice in full, if there is no Objection from the Oversight Committee ("OC");
  - b. If there is an objection from the OC, then pay the invoice in an amount agreed upon between the OC and the entity requesting fee payment; or
  - c. Pay the invoice in an amount as determined by this Court.
2. With respect to the fee invoice from Sills Cummis & Gross P.C., the OC did lodge an Objection. Therefore, the first option was not available to the Trustee. Similarly, as of the filing of this Response, the Trustee is not aware of any agreement between the parties. Option 2 is therefore not available.
3. As such, the Trustee will abide by any Final Order from this Court, with respect to the amount of fees that should be paid from the Trust.

WHEREFORE, the Liquidation Trustee respectfully prays this Court enter and enroll an Order in accordance with the terms of the Liquidation Trust, and for such other relief as may be just and proper under the premises.

/s/ E Lam

Eric W. Lam, AT0004416  
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ATTORNEY FOR LIQUIDATION TRUSTEE

**Certificate of Service**

The undersigned certifies, under penalty of perjury, that on this 6<sup>th</sup> day of November, 2024, the foregoing document was electronically filed with the Clerk of Court using the Northern District of Iowa CM/ECF and the document was served electronically through the CM/ECF system to the parties of this case.

/s/ Kelly Carmichael

MHLT/Pldgs/BA 23-00623 – Drafts/Response to Sills Mtn to Compel.111624.212p.ewl